

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

HELEN RACANELLI,

Debtor.

July 15, 2020  
10:00 AM

Case No. 16-22617-SHL-13

Hon. SEAN H. LANE

**NOTICE OF MOTION**

PLEASE TAKE NOTICE, that upon the within application, Krista M. Preuss, Chapter 13 Trustee, will move this court before the Hon. Sean H. Lane, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 300 Quarropas, White Plains, NY 10601-4150, on the 15th day of July, 2020 at 10:00 AM, or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: White Plains, New York  
June 16, 2020

s/ Krista M. Preuss

Krista M. Preuss, Chapter 13 Trustee  
399 Knollwood Road, Ste 102  
White Plains, NY 10603  
(914) 328-6333

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

HELEN RACANELLI,

Debtor.

kp7299/LE  
July 15, 2020  
10:00 AM

Case No: 16-22617-SHL-13

Hon. SEAN H. LANE

**APPLICATION**

TO THE HONORABLE SEAN H. LANE, U.S. BANKRUPTCY JUDGE:

KRISTA M. PREUSS, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on May 3, 2016, and, thereafter, KRISTA M. PREUSS was duly appointed and qualified as Trustee.

2. The Debtor has failed to submit timely Chapter 13 plan payments to the Trustee as required by 11 U.S.C. §1325(a)(6), being four months in arrears, or the sum of \$33,000.00, as of the date of this motion.

3. The Debtor has failed to provide the Trustee a copy of a federal and state income tax returns or transcripts for the most recent year, specifically 2019, or in the alternative, if not filed, a W-2 statement, pursuant to 11 U.S.C. §521(e)(2)(A)(i).

4. The Debtor does not qualify for Chapter 13 relief as the Debtor's secured debt exceeds the jurisdictional limit of \$1,257,850.00, pursuant to 11 U.S.C. §109(e). Debtor has filed a notice to convert the case to Chapter 11. If the case is not converted, Trustee respectfully requests it be dismissed.

5. The deficiencies as stated above impede the Trustee's ability to administer this case and, therefore, are defaults that are prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).

6. The foregoing constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: White Plains, New York  
June 16, 2020

/s/ Krista M. Preuss  
Krista M. Preuss, Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
IN RE:

HELEN RACANELLI,

Debtor.

Case No: 16-22617-SHL-13

**CERTIFICATE OF SERVICE  
BY MAIL**

This is to certify that I, Nancy Barreiro, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

HELEN RACANELLI  
16 RIVERSIDE PLACE  
DOBBS FERRY, NY 10522

LINDA M. TIRELLI, ESQ.  
TIRELLI LAW GROUP, LLC  
50 MAIN STREET, SUITE 1265  
WHITE PLAINS, NY 10606

U. S. BANK NATIONAL ASSOCIATION  
C/O NATIONSTAR MORTGAGE, LLC  
P.O. BOX 619096  
DALLAS, TEXAS 75261

NATIONSTAR MORTGAGE, LLC  
D/B/A MR. COOPER  
P.O. BOX 619096  
DALLAS, TEXAS 75261

THE BANK OF NEW YORK MELLON  
C/O BANK OF AMERICA  
P.O. BOX 31785  
TAMPA, FLORIDA 33631

U.S. BANK NATIONAL ASSOCIATION  
NATIONSTAR MORTGAGE, LLC  
C/O MCELROY DEUTSCH MULVANEY CARPENTER, LLP  
225 LIBERTY STREET 36<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10281

This June 16, 2020

s/ Nancy Barreiro

Nancy Barreiro, Paralegal  
Office of the Standing Chapter 13 Trustee  
Krista M. Preuss, Esq.  
399 Knollwood Road, Suite 102  
White Plains, NY 10603  
(914) 328-6333

CASE NO: 16-22617-SHL-13

Hon. SEAN H. LANE

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

---

IN RE:

HELEN RACANELLI,

Debtor.

---

**NOTICE OF MOTION, APPLICATION, AND CERTIFICATE OF SERVICE**

---

KRISTA M. PREUSS  
STANDING CHAPTER 13 TRUSTEE  
399 KNOLLWOOD ROAD, SUITE 102  
WHITE PLAINS, NEW YORK 10603  
(914) 328-6333

---